

to property in the hands of any trustee, executor, administrator, receiver or other fiduciary prior to the third day of April, 1906, being the day of the passage of said sections, and who prior to said third day of April, 1906, shall have filed in any court of competent jurisdiction any bill or petition for the transfer, delivery or distribution property so in hands of any such fiduciary.

An. Code, sec. 215. 1904, sec. 201. 1900, ch. 73, sec. 186B.

230. It shall not be necessary for the answer or any other pleadings of a corporation to be under the corporate seal.

An. Code, sec. 216. 1908, ch. 661.

231. Whenever in any proceeding in a court of equity a decree for the payment of costs or any other decree for the payment of money is made by the court against a plaintiff, the clerk shall forthwith index the name of such plaintiff in a separate index, to be known as Index of Plaintiffs, and no lien under such decree shall arise against the real or leasehold property of such plaintiff, and no right of execution on such decree shall accrue until the name of such plaintiff is so indexed.

This section applies only to decrees against plaintiffs passed by courts of original jurisdiction; it has no application where the decree for costs is rendered in the court of appeals. *Marshall v. Marshall*, 124 Md. 261.

As to decrees between co-defendants, see sec. 198.

Sales.

An. Code, sec. 217. 1904, sec. 202. 1888, sec. 187. 1785, ch. 72, sec. 3. 1876, ch. 327.

232. When any suit is instituted to foreclose a mortgage, the court may decree that, unless the debt and costs be paid by a day fixed by the decree, the property mortgaged, or so much thereof as may be necessary for the satisfaction of said debt and cost, shall be sold; and such sale shall be for cash, unless the plaintiff shall consent to a sale on credit; and if upon the sale, under such decree, of the whole mortgaged property, the net proceeds thereof, after the costs allowed by the court are satisfied, shall not suffice to satisfy the mortgage debt and accrued interest, as this shall be found by the judgment of the court upon the report of the auditor thereof, the court may, upon the motion of the plaintiff, enter a decree *in personam* against the mortgagor, or other party to the suit, who is liable for the payment thereof; provided, the mortgagee would be entitled to maintain an action at law upon the covenants contained in said mortgage for said residue of the said mortgage debt so remaining unsatisfied by the proceeds of such sale; which decree shall have the same effect as a judgment at law, and may be enforced only in like manner, by a writ of execution in the nature of a writ of *feri facias*, or otherwise.

Personal decrees.

Before the decree *in personam* is passed, an order *nisi* should issue so as to give the defendant an opportunity to be heard. If the mortgage is not under the seal of the mortgagor, no decree *in personam* can be entered because no action of covenant could be maintained. *McDonald v. Workingmen's Bldg. Assn.*, 60 Md. 590.

The portion of this section relative to a personal decree, was enacted to avoid the delay and expense of a separate suit, and such remedy is cumulative and does