

by the court, and be paid out of said property or such part thereof as the court shall determine ought to bear the same.

An. Code, 1924, sec. 228. 1912, sec. 213. 1906, ch. 373.

**237.** Sections 231, 235 and 236 shall not be interpreted as a repeal or construction of existing law, or of the jurisdiction and powers of courts of equity, and the remedy hereby provided is intended to be additional to and not in substitution for any other existing remedy.

An. Code, 1924, sec. 229. 1912, sec. 214. 1908, ch. 69.

**238.** Nothing in sections 231, 235, 236 and 237 of this article shall in any manner affect the rights of any person or persons who may have become entitled 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, 1924, sec. 230. 1912, sec. 215. 1904, sec. 201. 1900, ch. 73, sec. 186B.

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

An. Code, 1924, sec. 231. 1912, sec. 216. 1908, ch. 661.

**240.** 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. 204.

### Sales.

An. Code, 1924, sec. 232. 1912, sec. 217. 1904, sec. 202. 1888, sec. 187. 1785, ch. 72, sec. 3. 1876, ch. 327. 1939, ch. 507.

**241.** 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, provided said motion is made within three years after final ratification by the court of the auditor's report and account in regard to the mortgage sale filed therein following the mortgage sale, enter a decree *in personam* against the mortgagor, or other party to the suit, who is liable for the payment thereof;