

decree or decretal order, whenever such decree or order shall have passed upon argument, oral or in writing, on the part of any of the parties in such cause; this section not to apply to Baltimore city.

P. G. L., (1860,) art 16, sec 111. 1833, ch. 283.

**156.** It shall not be necessary in any case for the foreclosure or sale of mortgaged property, to make the heirs of the mortgagee parties to the same, but any decree upon any bill for foreclosure or sale aforesaid, filed by the executor or administrator of the mortgagee, shall have the same effect as if the said heirs were parties.

Worthington v. Lee, 2 Bl 685.

Ibid. sec. 113. 1841, ch. 259. >

**157.** Under any bill of review, or other proceedings to set aside or reverse any order or decree passed in any case in which any infant or person *non compos mentis* was interested, on the ground that no testimony was taken to prove the allegations in the bill or petition filed in such case, or that no replication was put in, it shall be lawful for the person interested to supply said proof and pleas, in the same manner as the same could have been furnished under such original bill or petition.

Earle v Turton, 26 Md. 23. Smith v. Townshend, 27 Md. 368. Gregory v. Lenning, 54 Md. 51.

Ibid sec. 114. 1820, ch. 161, sec. 8.

**158.** In deciding on exceptions to answers, the court may award the costs of the exception and the order thereon to the party prevailing, including a fee to the solicitor or attorney.

Rule 31.

**159.** 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