

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.

1888, art. 16, sec. 157. 1860, art. 16, sec. 113. 1841, ch. 259.

**170.** 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. 158. 1860, art. 16, sec. 114. 1820, ch. 161, sec. 8.

**171.** 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.

Ibid. sec. 159. Rule 31.

**172.** 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.

Ibid. sec. 160. Rule 32.

**173.** 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