

cause of action arises until there has been a breach affecting the interest of some party legally concerned. Who can put the bond in suit, and what the declaration must show. *Le Strange v. State*, 58 Md. 39. And see *Ing v. State*, 8 Md. 295; *State v. Graver*, 115 Md. 255; *Williams v. Fidelity & Dep. Co.*, 121 Md. 226.

Suit may be brought in the name of the state under this section, without authority expressly given. *State v. Norwood*, 12 Md. 193; *State v. Graver*, 115 Md. 255.

This section referred to in deciding that the state may not, without its consent, be made an obligee in a bond in which it has no interest and which is not required by law to be executed. *State v. Graver*, 115 Md. 255.

An. Code, 1924, sec. 191. 1912, sec. 176. 1904, sec. 167. 1888, sec. 154. 1785, ch. 72, sec. 18.

197. Payment of the allowances to examiners, commissioners, witnesses, masters, auditors and clerks to examiners and commissioners, may be compelled by order of the court, and process of contempt for disobedience to such order may be issued as in other cases.

An. Code, 1924, sec. 192. 1912, sec. 177. 1904, sec. 168. 1888, sec. 155. 1832, ch. 302, sec. 6. 1874, ch. 312. 1927, ch. 643. 1929, ch. 410. 1931, ch. 504.

198. In all cases in the courts of equity, it shall be the duty of the said courts to file their opinions for or in respect of any final 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 or Prince George's County.

This section referred to in deciding that where a judge of the supreme bench of Baltimore City files an opinion, it should be inserted in record, or in some way brought before court of appeals. *Title Co. v. McCulloh*, 108 Md. 53.

An. Code, 1924, sec. 193. 1912, sec. 178. 1904, sec. 169. 1888, sec. 156. 1833, ch. 283.

199. 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.

For a note discussing how far this section has made a change in the nature of the estate of heirs of the mortgagee, etc., see 2 Bl. 685.

As to a sale of mortgaged property, see sec. 241.

As to mortgages, see art. 66.

An. Code, 1924, sec. 194. 1912, sec. 179. 1904, sec. 170. 1888, sec. 157. 1841, ch. 259.

200. 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.

Where in partition proceedings under sec. 159, there is no proof that the land cannot be divided without loss, etc., the defect may be removed by a bill of review and the proof supplied under this section. *Earle v. Turton*, 26 Md. 36.

This section applied. *Gregory v. Lenning*, 54 Md. 57.

An. Code, 1924, sec. 195. 1912, sec. 180. 1904, sec. 171. 1888, sec. 158. 1820, ch. 161, sec. 8.

201. 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.

This section applied. *Bank of Maryland v. Dugan*, 2 Bl. 257.

As to costs in appeals from courts of equity, see art. 5, sec. 71.