

mortgage debt. And the only *prerequisite* to the sale is to be found in the third section, which requires the mortgagee before the sale, and after the arrival of the period limited therefor, to file in the Chancery Court, or in Baltimore County Court, a statement of his claim, verified in the mode therein pointed out, that is, by his oath before the Chancellor or Judge, or, according to a supplement to the Act passed at December session, 1839, ch. 9, before any justice of the peace.

The fourth section, however, provides, that the trustee shall make report of his sale to the Chancellor or Baltimore County Court, as the case may be, and that orders may be passed touching the ratification thereof, as is now practiced on sales of mortgaged property in said Courts, and that, as cause against the ratification, allegations may be made and proof exhibited under the orders of the Court, to show that the sale should not have been made, and that, upon being satisfied of the truth of the allegations, the Courts shall reject the sale, and throw the whole expense thereof, including the commissions of the trustee, upon the party who put the proceeding in motion.

The defendant, therefore, in this case, Mr. Harrison, cannot justly complain that he had no notice of the application for a decree, even if his complaint of the want of notice was conceded or proved, which, however, is not the case, his petition in that respect being expressly contradicted by the answer of the complainant, and there being no evidence whatever in support of the averment.

The decree in this case was passed on the 9th of April, 1851, upon a petition and exhibition of a duly authenticated copy of the mortgage, and the trustee, having bonded as required, advertised the property to be sold on the 19th of July, 1851, all the instalments of the debt having then become due, the complainant having previously, on the 12th of July, 1851, filed in the Court a statement of his claim, verified according to the Act of Assembly.

The mortgage debt, as expressed upon the face of the instrument, is \$1000, having been executed to secure the pay-