

The provisions of the act of 1833, ch. 181, sec. 2, apply exclusively to Baltimore city. *Hays v. Dorsey*, 5 Md. 99.

The act of 1825, ch. 203, held to be applicable to a mortgage executed prior to the passage of said act. *Hubbard v. Jarrell*, 23 Md. 81.

Formerly where a mortgagor took benefit of insolvent law, the mortgagee or his assigns lost benefit of power of sale under this section. (For present law, see art. 47, sec. 25.) *Mackubin v. Boarman*, 54 Md. 385. See also *Ensor v. Lewis*, 54 Md. 397; *Queen City Bldg. Assn. v. Price*, 53 Md. 401; *White v. Malcolm*, 15 Md. 545.

The portion of this section declaring power of sale to be divisible, referred to in construing local law applicable to Baltimore city. *Richardson v. Owings*, 86 Md. 667.

Cited but not construed in *Davis v. Blackistone*, 108 Md. 641; *Rosenstock v. Keyser*, 104 Md. 382; *Bernstein v. Hobelman*, 70 Md. 36; *Stanhope v. Dodge*, 52 Md. 493; *Carroll v. Keishner*, 47 Md. 276; *Horsey v. Hough*, 38 Md. 136; *Neal v. Hagthorp*, 3 Bl. 573.

See secs. 23 and 32.

An. Code, sec. 7. 1904, sec. 7. 1888, sec. 7. 1826, ch. 192, sec. 2.

7. Before any person so authorized shall make any such sale, he shall give bond to the State in such penalty and with such security as shall be approved by the judge or clerk of a court of equity of the city or county in which the mortgaged premises lie, or in case of goods and chattels, where the same may be, to abide by and fulfill any order or decree which shall be made by any court of equity in relation to the sale of such mortgaged property or the proceeds thereof; and such bonds shall be and remain as an indemnity to and for the security of all persons interested in such mortgaged property or the proceeds thereof and be subject to be sued as other bonds taken in the name of the State and subject to the same limitations and disabilities as such other bonds.

The fact that no bond was filed at time property was offered at public auction, there being no intimation that such omission in any way affected the bidding, does not affect a private sale made after such bond was given. *Hebb v. Mason*, 143 Md. 353.

This section sets out the only pre-requisite of a sale under sec. 6. *Heider v. Bladen*, 83 Md. 243; *Erb v. Grimes*, 94 Md. 102. And see *Hebb v. Mason*, 143 Md. 353.

In sales under sec. 6, the trust commences with filing of bond under this section, and jurisdiction of court becomes complete on report of sale under sec. 9. *Warehime v. Carroll County Bldg. Assn.*, 44 Md. 516. And see *Wilson v. Watts*, 9 Md. 459; *Warfield v. Dorsey*, 39 Md. 308; *McCabe v. Ward*, 18 Md. 508.

If a bond is defective, the defect must be raised by exceptions to ratification of sale, and cannot be inquired into collaterally. *Cockey v. Cole*, 28 Md. 282 (qualifying *McCabe v. Ward*, 18 Md. 509); *Hebb v. Mason*, 143 Md. 353.

Where a bond is filed on the day of sale, the law presumes that it was filed before the sale. *Hubbard v. Jarrell*, 23 Md. 83; *Hebb v. Mason*, 143 Md. 353.

Where a bond filed in circuit court for Baltimore city is conditioned to fulfill any order or decree of Baltimore county court, the bond is a nullity, and sale will be set aside. *McCabe v. Ward*, 18 Md. 509. *Cf. Cockey v. Cole*, 28 Md. 282.

If sale is made by an attorney or trustee under act of 1826, ch. 192, the bond must be given by party making sale and not by mortgagee. *White v. Malcolm*, 15 Md. 542.

This section referred to in determining that a corporation cannot exercise a power of sale under sec. 6. *Frostburg Bldg. Assn. v. Lowdermilk*, 50 Md. 179.

This section held to have no application. *Reeside v. Peter*, 33 Md. 127.

Cited but not construed in *Gaither v. Tolson*, 84 Md. 641; *Condon v. Maynard*, 71 Md. 603; *Webb v. Haefter*, 53 Md. 191; *Harrison v. Annapolis, etc., R. R. Co.*, 50 Md. 512; *Dill v. Satterfield*, 34 Md. 53.

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 8. 1825, ch. 203, sec. 4. 1826, ch. 192, sec. 1.

8. In all sales made in pursuance of such authority there shall be given such notice as may be stated in such mortgage, or if there be no agreement