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.

Sale under mortgage, after filing of bond, takes priority over sale of property for taxes, unless there is undue delay; injunction against sale for taxes. Rouse *v.* Archer, 149 Md. 472.

Substituted trustee held to be among persons interested and entitled to institute suit. Liability Assur. Corp. *v.* State, 161 Md. 103.

Trustee appointed to sell at foreclosure proceedings may be required to give second bond on account of inadequacy of first bond. Assurance Corp. *v.* State, 163 Md. 126, 133.

Cited but not construed in Mizen *v.* Thomas, 156 Md. 320.

Cited in Carrollton Bank *v.* Hollander, (Judge Smith, Circuit Court of Baltimore City), Daily Record, Mar. 7, 1939.

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. 10. 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.* Haeffer, 53 Md. 191; Harrison *v.* Annapolis, etc., R. R. Co., 50 Md. 512; Dill *v.* Satterfield, 34 Md. 53.

An. Code, 1924, sec. 8. 1912, sec. 8. 1904, sec. 8. 1888, sec. 8. 1825, ch. 203, sec. 4. 1826, ch. 192, sec. 1.

**9.** 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 as to notice, then the party offering the same for sale shall give twenty days' notice of the time, place and terms thereof by advertisement in some newspaper printed in the county where the mortgaged premises lie, if there be one so published, and, if not, in a newspaper having a large circulation in said county, and also by advertisement set up at the courthouse door of said county.

Cited but not construed in Knapp *v.* Knapp, 149 Md. 220 (see notes to art. 93, sec. 261).

Advertisement for sale of residence property in Montgomery County was sufficient to gratify the requirements of this section. Lewis *v.* Beale, 162 Md. 20.

Cited but not construed in Allen *v.* Seff, 160 Md. 241; Assurance Corp. *v.* State, 163 Md. 126; Kelly *v.* Bldg. Asso., 166 Md. 186; Mortgage Co. *v.* Matthews, 167 Md. 386, 392.

The notice to be set up at courthouse door is only necessary if there is no newspaper published in county. Where mortgage required that property should be advertised in accordance with this section, and subsequent to mortgage but before sale annexation act changed geographical location of mortgaged property from Baltimore County to Baltimore City, the advertisement was properly inserted in a Baltimore City paper. Roberts *v.* Loyola Bldg. Assn., 74 Md. 3. *Cf.* Chilton *v.* Brooks, 71 Md. 452.

This section does not contemplate a daily notice for twenty days. What notice is sufficient? Description of property in advertisement, held sufficient. White *v.* Malcolm, 15 Md. 541.

Where the mortgage calls for a notice which it is impossible to give, twenty days' notice is required under this section. Warehime *v.* Carroll County Bldg. Assn., 44 Md. 518.