

Jurisdiction of court depends upon allegations alone. Extent of such jurisdiction. *Barrick v. Horner*, 78 Md. 258. And see *Gayle v. Fattle*, 14 Md. 84.

Mere payment of usury will not entitle mortgagor to an injunction; *contra*, if payments on principal and interest are equal to or greater than indebtedness. *Gantt v. Grindall*, 49 Md. 313; *Walker v. Cockey*, 38 Md. 78; *Powell v. Hopkins*, 38 Md. 13; *Talbott v. Laurel Bldg. Assn.*, 140 Md. 568.

Purpose of this section. It is only declaratory of a general principle of equity. *Powell v. Hopkins*, 38 Md. 11; *Talbott v. Laurel Bldg. Assn.*, 140 Md. 568.

A sale will not be stayed because a stranger has instituted ejectment, there being no allegation that his claim is valid. *Gayle v. Fattle*, 14 Md. 85.

This section is not applicable to mortgage sales under the local law applicable to Baltimore City. *Abrahams v. Tappe*, 60 Md. 322.

This section referred to in construing sec. 10. *Warfield v. Ross*, 38 Md. 90.

For a note on injunctions "affecting mortgages and parties thereto," see *Salmon v. Clagett*, 3 Bl. 125.

Cited but not construed in *Heck v. Renika*, 47 Md. 75.

As to injunctions in general, see art. 16, sec. 86, *et seq.*

An. Code, 1924, sec. 17. 1912, sec. 17. 1904, sec. 17. 1888, sec. 17. 1826, ch. 192, sec. 8.

18. If any such injunction shall be granted the court or judge granting the same shall have power, on proof of ten days' notice to the plaintiff, to hear and decide on a motion to dissolve such injunction, and on hearing any such motion, if the court or judge shall feel satisfied that the same was obtained through misrepresentation and for delay, the court or judge shall decree that the party who obtained the same shall pay interest to the mortgagee or to the party claiming under him at the rate of ten per cent. per annum on the amount of the mortgage debt from the time of granting the injunction until the same shall be dissolved and shall enforce the execution of such decree as in other cases.

See notes to sec. 17.

An. Code, 1924, sec. 18. 1912, sec. 18. 1904, sec. 18. 1888, sec. 18. 1826, ch. 192, sec. 8.

19. Before granting any such injunction the court or judge granting the same shall require the plaintiff or some person on his behalf, with at least two good securities to be approved by said judge or clerk, to execute to the mortgagee or person claiming or acting under him, and file in court a bond in such penalty as the court or judge shall prescribe, conditioned to obey, abide by, perform and fulfill such decree and order as shall be made in the premises, upon which bond the mortgagee or his assigns shall be entitled to recover all such debt, damages, interest and costs as shall be decreed on dissolving the injunction.

There is no statute in this state authorizing equity to determine the damages sustained by a defendant by reason of issue of an injunction against him unless such power is conferred by this section or by art. 16, sec. 89; even if it were assumed that equity had such authority, it has never been the practice to exercise it. This section refers only to sales and proceedings under power of sale contained in mortgages referred to in this article, and has no application to injunctions to restrain proceedings to foreclose other mortgages; case disposed of without reference to this section. *American Bonding Co. v. State*, 120 Md. 316.

Where before sale under foreclosure proceedings it is observed that bond required by this section as a prerequisite to an injunction has not been filed, the injunction should be dissolved and a new injunction issued upon filing of bond. Effect of *nunc pro tunc* order upon filing of bond. If bond is not filed, the ratification of sale may be excepted to by party authorized to redeem mortgage and who made a tender. *Wingert v. Brewer*, 116 Md. 521.

The filing of a bond is a condition precedent to the granting of an injunction under sec. 17. *Thrift v. Bannon*, 111 Md. 308; *Cf. Wolf v. Oldenberg*, 154 Md. 358.

See notes to sec. 17.

An. Code, 1924, sec. 19. 1912, sec. 19. 1904, sec. 19. 1888, sec. 19. 1826, ch. 192, sec. 6.

20. The purchaser of any estate or interest in lands and tenements sold under this article, on the confirmation of the sale to him, shall be