
CHAPTER 156**MORTGAGES****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. In Actions concerning Mortgages or Ejectments, no Suit then depending to foreclose such Mortgage, the Mortgagor's tendering the Principal, Interest, and Costs in Court shall be deemed a full Satisfaction, and the Court may compel the Mortgagee to surrender the Premises.
3. On Bills filed to compel the Payment of the Mortgage and Specialties, or foreclose the Equity of Redemption, the Court, on Defendant's Request, may proceed to a Decree before a regular Hearing, and all Parties shall be bound thereby as if the Cause had been regularly heard.
4. This Act not to extend to Cases where the Right of Redemption is controverted or the Money due not adjusted, or to prejudice any subsequent Mortgagee.

CHAPTER 156

MORTGAGES

An Act for the more easy redemption and foreclosure of mortgages.

*7 Geo. 2, c. 20
extended by 2 of
1799
[A.D. 1733]*

1. [This Act may be cited as the Mortgages Act.]

Short title.

2. Where any Action shall be brought on any Bond for Payment of the Money secured by such Mortgage or Performance of the Covenants therein contained, or where any Action of Ejectment shall be brought in any of His Majesty's Courts by any Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, for the Recovery of the Possession of any mortgaged Lands, Tenements, or Hereditaments, and no Suit shall be then depending in any of His Majesty's Courts for or touching the foreclosing or redeeming of such mortgaged Lands, Tenements, or Hereditaments, if the Person or Persons having Right to redeem such mortgaged Lands, Tenements or Hereditaments, and who shall appear and become Defendant or Defendants in such Action, shall at any Time pending such Action pay unto such Mortgagee or Mortgagees, or, in case of his, her or their Refusal, shall bring into Court where such Action shall be depending, all the Principal Monies and Interest due on such Mortgage, and also all such Costs as have been expended in any Suit or Suits at Law or in Equity upon such Mortgage (such Money for Principal, Interest, and Costs to be ascertained and computed by the Court where such Action is or shall be depending, or by the proper Officer by such Court to be appointed for that Purpose), the Monies so paid to such Mortgagee or Mortgagees, or brought into such Court, shall be deemed and taken to be in full Satisfaction and discharge of such Mortgage, and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly, and shall and may, by Rule or Rules of the same Court, compel such Mortgagee or Mortgagees, at the Costs and Charges of such Mortgagor or Mortgagors, to assign, surrender, or reconvey such mortgaged Lands,

In Actions concerning Mortgages or Ejectments, no Suit then depending to foreclose such Mortgage, the Mortgagor's tendering the Principal, Interest, and Costs in Court shall be deemed a full Satisfaction, and the Court may compel the Mortgagee to surrender the Premises.

Tenements, and Hereditaments, and such Estate and Interest as such Mortgagee or Mortgagees have or hath therein, and deliver up all Deeds, Evidences, and Writings in his, her, or their Custody relating to the Title of such mortgaged Lands, Tenements, and Hereditaments, unto such Mortgagor or Mortgagors, who shall have paid or brought such Monies into the Court, his, her, or their Heirs, Executors, or Administrators, or to such other Person or Persons as he, she, or they shall for that Purpose nominate or appoint.

On Bills filed to compel the Payment of the Mortgage and Specialties, or foreclose the Equity of Redemption, the Court, on Defendant's Request, may proceed to a Decree before a regular Hearing, and all Parties shall be bound thereby as if the Cause had been regularly heard.

3. Where any Bill or Bills, Suit or Suits shall be filed, commenced, or brought in any of His Majesty's Courts, by any Person or Persons having or claiming any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, under or by virtue of any Mortgage or Mortgages thereof, to compel the Defendant or Defendants in such Suit or Suits (having or claiming a Right to redeem the same) to pay the Plaintiff or Plaintiffs in such Suit or Suits the Principal Money and Interest due on any such Mortgage, or the Principal Money and Interest due on such Mortgage together with any Sum or Sums of Money due on any Incumbrance or Specialty charged or chargeable on the Equity of Redemption thereof, and in default of payment thereof to foreclose such Defendant or Defendants of his, her, or their Right or Equity of redeeming such mortgaged Lands, Tenements, or Hereditaments, such Court where such Suit or Suits shall be depending, upon Application made to such Court by the Defendant or Defendants in such Suit having a Right to redeem such mortgaged Lands, Tenements, or Hereditaments, and upon his or their admitting the Right and Title of the Plaintiff or Plaintiffs in such Suit, may and shall, at any Time or Times before such Suit or Cause shall be brought to Hearing, make such Order or Decree therein as such Court or Courts might or could have made therein in case such Suit or Cause had then been regularly brought to Hearing before such Court or Courts, and all Parties to such Suit or Suits shall be bound by such Order or Decree so made to all Intents and Purposes as if such Order or Decree had been made by such Court at or subsequent to the Hearing of such Cause or Suit, any Usage to the contrary thereof in anywise notwithstanding.

4. Provided always, That this Act, or anything herein contained, shall not extend to any Case where the Person or Persons against whom the Redemption is or shall be prayed shall (by Writing under his, her, or their Hands, or the Hand of his, her, or their Attorney, Agent, or Solicitor, to be delivered, before the Money shall be brought into such Court at Law, to the Attorney or Solicitor for the other Side), insist, either that the Party praying a Redemption has not a Right to redeem, or that the Premises are chargeable with other or different Principal Sums than what appear in the Face of the Mortgage, or shall be admitted on the other Side, nor to any Case where the Right of Redemption to the mortgaged Lands and Premises in question in any Cause or Suit shall be controverted or questioned by or between different Defendants in the same Cause or Suit, nor shall be any Prejudice to any subsequent Mortgagee or Mortgagees or subsequent Incumbrancer, anything in this Act contained to the contrary thereof in anywise notwithstanding.

This Act not to extend to Cases where the Right of Redemption is controverted or the Money due not adjusted, or to prejudice any subsequent Mortgagee.