

INDEX TO THE PUBLIC LAWS.

Chap. Sec.

<p>MORTGAGES—The affidavit required by the 3d section of the act of 1833, ch. 181, to be made by the mortgagees, &c. to statement of the mortgage claim, to be made hereafter before any justice of the peace or judge of any court of this State, or before any notary or judge of any court of record of any other State or of the United States,</p>	9 1
<p style="padding-left: 2em;">Affidavit when made before a notary public, to be authenticated by his notarial seal; when before a judge of any court of record, to be certified by the clerk of said court under seal of court; if before a justice of the peace of any county, than the one in which the proceedings take place, the clerk of the county court to certify under seal of court that the justice at the time of said affidavit, was a justice duly commissioned, &c.</p>	“ 2
<p style="padding-left: 2em;">That the decree authorised by 2d sect. of act of 1833, ch. 181, may be passed as well before as after the period limited in the mortgage for the payment of the debt or foreclosure, &c.</p>	“ 3
<p style="padding-left: 2em;">Upon the death of mortgagee of land his interest, &c. in the mortgaged premises, &c. shall devolve on his executor, &c.</p>	26 1
<p style="padding-left: 2em;">Release, &c. of mortgaged real estate made by executor, &c. and executed in the form prescribed, &c. to have the same effect as if made by mortgagee in his life time; no such release, &c. to prejudice the right of any assignee of the debt secured by said mortgagee, who shall claim the same, &c. signed by mortgagee in his life time, and have possession of the bond, &c. unless such assignee be a party to said release, &c.</p>	“ 2
<p style="padding-left: 2em;">Release by assignee to have like effect and operation, &c. if at the time of making such release there be an executor, &c. in being, such executor, &c. shall be a party thereto,</p>	“ 3
<p style="padding-left: 2em;">Executor, &c. claiming under an assignment in writing, signed by assignee, &c. have full power to make any release, &c. as could have been exercised by original assignee,</p>	“ 4