

county court, and when so filed, it shall be the duty of the said clerk to record the same in a separate book to be kept for the purpose, and to note on the margin of the record of such mortgage, the page and book where any such certificate may have been recorded.

SEC. 16. *And be it enacted*, That no injunction shall be granted to stay any such sale unless the party praying such injunction is a party to the mortgage, or shall claim some interest in the mortgaged premises by a title subsequent to the recording of said mortgage; nor unless upon an allegation that the said mortgage debt and interest has been paid or some part thereof, particularly specified, which the person offering to sell shall have refused to allow, or of some fraud specified in the bill praying an injunction as practised by the mortgagee or with his knowledge, in obtaining the said deed of mortgage, and when any injunction shall be granted, it shall be the duty of the court on proof of ten days notice to the complainant, to hear, and as soon as may be decide on a motion for a dissolution of the same.

[The insertion of this law here, is a departure from the plan of the compilation. Under this title of 'Mortgage,' all the regulations, whether 'Public' or 'Local,' may be found.]

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The affidavit required by the act of 1833, ch. 181, section 3, may be made before any justice of the peace of this state, or before any judge of any court of this state, or before any notary public or judge of any court of record of any other state or of the United States—1839, ch. 58, . . . . .	2322
The mode of authenticating such official act—1839, ch. 58, sec. 2, . . . . .	2322
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NON EST FACTUM.

Upon actions in bond against trustees appointed by the chancellor, or county courts, for sale of real estates of minors, the plea of non est factum not to be received unless verified by affidavit—1816, ch. 154, sec. 3, . . . . .	644
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