

papers published in the county where the mortgaged premises lie; and if no newspaper be published in said county, then, and in that case the notice aforesaid, shall be published in one of the newspapers in the county nearest to the mortgaged premises, where a newspaper is printed, and another copy thereof to be fixed upon the outward door of the court-house of the county in which the said premises, or the greater part thereof, are situate.

Affidavit of advertisement and certificate of sale to be recorded—evidence.

SEC. 5. *And be it enacted*, That in every case where the sale of mortgaged premises in virtue of a special power for that purpose contained in the mortgage, has taken place, an affidavit stating the publishing of the advertisement of sale in a newspaper, and made by the printer of the said newspaper; and also an affidavit stating the fixing of a copy of the advertisement upon the outward door of the court-house, and made by the person who fixed the same upon the said door; and also, an affidavit stating the circumstances respecting the sale of the mortgaged premises, and made by the person who acted as auctioneer at the sale, and certified and recorded as herein after directed; or the record of either of the said affidavits, shall be received in every court of law or equity in this state, as prima facia evidence of the facts in such affidavit set forth.

Affidavit to be taken.

SEC. 6. *And be it enacted*, That the person making either of the said affidavits shall make the same before a judge of the county court of the county, or before two justices of the peace of the city or county in which the mortgaged premises shall be in whole or in part; but where such advertisements of sale is published in any newspaper in any other city or county than that in which the said mortgaged premises shall be in whole or in part, then the said affidavit of publication by the printer may be made before a judge of the county court of the county or before two justices of the peace of the city or county in which such newspaper is printed, and such judge or justices as the case may be, are hereby required to take said affidavit and to subscribe his or their name or names to a certificate underneath the said affidavit, purporting that the person making the affidavit had appeared before him or them and made oath to the same.

Clerk directed to record—compensation.

SEC. 7. *And be it enacted*, That in case application shall be made to the clerk of any county, where the mortgaged premises shall lie, in whole or in part, to record either of the said affidavits, certified and subscribed as aforesaid, then, and in such case, the said clerk is hereby required to record in his register of the mortgages, the said affidavit at full length, together with the certificate of the judge or justices annexed to the same; for which service the said clerk is hereby allowed to demand and receive the like rate of compensation which is allowed him for recording a deed,