

The Court has been authorized by an Act of Assembly to decree a sale of the mortgaged property; 1785, ch. 72, s. 1, 2 and 3; 1837, ch. 292; but the provisions of that Act have been always considered as having merely introduced an additional remedy, and not as having abrogated any pre-existing mode of relief, to which the mortgagee was entitled, or to have altered the proceedings in this Court on mortgages, in any other respect whatever, and therefore, the mortgagee may now, notwithstanding the provisions of that law, have a decree of foreclosure instead of a decree for a sale. *Atkinson v. Hall, ante, 371, note. (n)* If the creditor files a bill on the

(n) *WARDROP v. HALL*.—This bill was filed on the 21st of November, 1748, by John Wardrop against Joseph Hall, to foreclose a mortgage on a tract of land, which the defendant had given to the plaintiff to secure the payment of three hundred pounds sterling, with interest. The defendant by his answer admitted the mortgage, and that no part of the principal or interest of the debt had been paid; but alleged that the mortgaged land was an ample security for the debt, the improvement thereon alone being worth, at a moderate valuation, at least six hundred pounds sterling; and therefore he prayed to be allowed a reasonable time to redeem. &c.

*OGLE, C., May, 1749.*—It appearing to this Court that a sum of three hundred pounds sterling was, on the 17th day of October, 1747, lent and advanced by the complainant to the defendant on the said mortgaged premises, as a security for the repayment of the said sum, with the interest thereof. It is therefore Decreed, that in case the defendant doth not, on or before the 30th day of September next, pay unto the complainant the said sum of three hundred pounds sterling, with lawful interest for the same, as also the costs expended by the complainant in this suit, the said defendant, and all claiming by, from, or under him, shall be forever, and they are hereby from thenceforth debarred and foreclosed of all manner of equity of redemption or reclaim in and to the said mortgaged premises; and that the said complainant have an absolute estate in the same, free from all redemption and equity and power of redemption of, in, or by the said defendant, his heirs or assigns, or any person or persons claiming by or under them.—*Chancery Proceedings, lib. J. R. No. 5, fol. 518.*

*HUNTER v. GAUNT*.—This bill was filed by Adam Hunter, heir-at-law and devisee of James Hunter, late of the State of Virginia, deceased, and Robert Purviance and Samuel Purviance, of Baltimore County, administrators with the will annexed of the said James Hunter, against Fielder Gaunt, of Frederick County, to foreclose a mortgage. The defendant answered, and the case was brought before the Court.

*HANSON, C., 27th February, 1790.*—This cause standing for hearing, and the Court having duly considered the bill, answer, proofs, and exhibits therein; it is Decreed, that the said defendant do and shall pay and satisfy to the complainants, Adam Hunter and Robert Purviance, the surviving administrator of the said James Hunter, the sum of £6,294 1s. 1d. current money, with interest from the 13th of December, 1769, together with all costs by the complainants in this suit expended before the 13th day of October next ensuing; or that the defendant pay to the complainants aforesaid, on the said 13th day of October, between the hours of 10 and 12 in the