

Dec Ses 1825. whose benefit such deed shall be made, shall not have any benefit or advantage from the recording thereof, unless every instrument and writing, operating as a defeasance of the same, or explanatory of its being designed to have the effect only of a mortgage, or conditional deed be also therewith recorded.

Sale of lands,
&c. by mort-
gage not to be
defected.

Provisoos.

3. *And be it enacted*, That no sale of any lands, tenements or hereditaments or chattels made, or to be made, in virtue of this act, by any mortgagee or others thereunto authorised by special power for that purpose, from any person entitled to the equity of redemption therein, shall be defeated to the prejudice of any bona fide purchaser thereof, in favor or for the benefit of any person claiming such equity of redemption: *Provided*, that nothing herein contained, shall be construed to prejudice any other mortgagee of the same premises, or any part thereof, whose title accrued prior to such sale, or any creditor to whom the mortgaged premises, or any part thereof, were before bound by any judgment at law or decree in equity: And provided also, that nothing herein contained shall operate to secure any such purchaser under any power executed heretofore, or hereafter to be executed for the purposes of such sale, unless the party executing the same, be of the age of at least twenty-five years.

Sale regula-
ted—adver-
tisement re-
quired.

4. *And be it enacted*, That all such powers to mortgagees, made, or to be made, authorising sales, shall be executed, acknowledged and recorded as deeds and conveyances usually are before the conveyances for the sale be executed; and every such sale shall be at public auction or vendue, and public notice shall be given thereof by advertisements, one copy thereof to be inserted and continued at least once a week for six successive months previous to the sale, in one of the newspapers 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
advertise-
ment and cer-
tificate of sale
to be recorded
—record evi-
dence.

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 mortgage premises, and made by the person who acted as auctioneer at the sale, and certified and recorded as hereinafter directed; or the record of either of the said affidavits, shall be received in every court of law or equity