to pay the principal and interest, as if express covenants were contained therein for that purpose.---1784, c. 58, § 2.

2. If the mortgagor, his heirs, &c. shall not pay the principal and interest, agreeable to the purport of such mortgage, the court of chancery shall foreclose such mortgagor, his heirs, &c. of their equity of redemption, and order and direct a sale thereof, or of such part as may be necessary to raise and satisfy all principal and interest due, with costs, and if any part of the mortgaged premises remains unsold, by order to reinstate the mortgagor, or person entitled under him, whose former legal estate shall be restored by virtue of such order and this act; but if sufficient cannot be raised by such sale, then the court of chancery shall decree the balance to be paid by such mortgagor, his heirs, &c, and by process compel a full compliance with such decree; and this legislature plight and engage the faith and honour of this state, that in no event (even in the case of war) will the legislature interfere, or prevent in any degree, this course of justice, on any foreign loan made on any such security, but the courts of justice shall remain open, and any foreigner recovering his money, may carry the same out of the state. *ibid* § 3.

3. In case any mortgage hath been made, and the person making the same, or his heir, devisee or alienee, shall be a British subject, and the person having a right to the mortgaged premises as security for money, tobacco, or any other valuable thing, is a citizen of this, or any of the United States, and the day of payment is elapsed, it shall and may be lawful for such person claiming the mortgaged premises aforesaid to file his bill for foreclosure of such mortgage, and to serve the the attorney-general with notice of such bill, who shall thereupon appear, plead or answer and defend on behalf of this state, and there shall be the same proceedings and decree as in other cases of bills for foreclosing mortgages.—1785, c. 72, § 31.

4. If any mortgagor of real property within this state to a citizen of this state, or any person claiming under such mortgagor, shall reside out of this state and within any other of the United States, the complainant may file his bill for foreclosing such mortgage in the high court of chancery, and upon service of notice thereof on the defendant, or inserting the same in the public news-papers of the state where such defendant resides, after such bill is filed, for 12 weeks successively, and making proof before some judge or justice of the general or supreme court of such state that such notice has been given personally or by advertisement as aforesaid, and the same proof being properly certified, and the defendant fails to appear and answer to such bill within 9 months after such notice proved and certified as aforesaid, or such longer time as the chancellor shall grant, such bill shall be taken pro confesso, and thereupon such proceeding and decree shall be had as the chancellor shall judge proper; and if the defendant be an infant, idiot, lunatic, or *non*

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