

1781. — Chapter 42.

[May Session, ch. 6.]

Chap. 42 AN ACT TO PROLONG THE TIME FOR REDEMPTION OF ESTATES MORTGAGED BY CONSPIRATORS OR ABSENTEES, BEFORE THE NINETEENTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-FIVE.

Preamble.

Whereas divers Persons to whom the Estates of Conspirators or Absentees were mortgaged before the Nineteenth of April, one Thousand seven Hundred and Seventy-five have since taken Possession of said Estates, by suing out their Mortgages or otherwise; and the Time limited by Law for the Redemption of such Estates has elapsed, and the Mortgagees stand seized in Fee of such Mortgaged Estates although, in many Instances the Sums for which said Estates were mortgaged, are far below their just Value: by Means whereof many Individuals, Creditors of said Absentees as well as the Public are deprived of such Part of said Estates as in Justice belong to them, or enure to the Commonwealth after Payment of the Sums due on said Mortgages:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Time for Redemption of the Estates of Persons commonly called Conspirators or Absentees, which have been taken Possession of by any Mortgagee, since the Nineteenth Day of April, in the Year of our Lord, one Thousand seven Hundred and Seventy-five be, and hereby is extended to the First Day of January, one Thousand seven Hundred and Eighty-three.

And be it also enacted by the Authority aforesaid, That the Creditors of such Conspirators or Absentees, whose Estates have been mortgaged and taken Possession of as aforesaid, shall have the same Power and Authority to redeem such Estates within the Time limited as aforesaid, as the original Mortgagor would have had, to have redeemed the same within three Years, in Case he had not withdrawn himself from this Government.

And be it further enacted by the Authority aforesaid, That the Treasurer (for the Time being) of this Commonwealth, shall in Behalf thereof, have in all Respects, the same Right within the Time limited as aforesaid, in redeeming the Estates of Conspirators or Absentees, of

Extending the Time for Redemption of Conspirators or Absentees Estates to the First of January, 1783.

The Creditors of said Estates that have been mortgaged empowered to redeem said Estates within the Times limited as the original Mortgagor would have had.

The Treasurer to have the same Right in redeeming the Estates of Absentees.

which Possession has been taken, as aforesaid, that Mortgagors, or their Heirs by Law have heretofore had, for redeeming mortgaged Estates; any Law of this Commonwealth to the contrary notwithstanding.

Provided nevertheless, That if it shall be made to appear Proviso. that any of the Estates of such Conspirators or Absentees, of which Possession has been taken, and the Time of Redemption elapsed, have since *Bona Fide* been sold by the said Mortgagee, in such Case the Provision made by this Act for prolonging the Term for the Redemption of such mortgaged Estates shall not operate, but the Creditors of such Conspirator or Absentee, whose Estate has been sold as aforesaid or the Treasurer of this Commonwealth for the Time being, are empowered to demand and recover in any of the Courts of Law within this Commonwealth proper to try the same, of the said Mortgagee or Mortgagees, such Sum or Sums as the said Estate was sold for, more than is sufficient for the Payment of the Sum for which such Estate was mortgaged.

And be it further enacted, That where any Mortgagee has taken Possession of the Estate so mortgaged, by Virtue of a former Law of this State, and has made any improvements by adding new Buildings, or otherwise repaired the same, then and in that Case the Value of said improvements properly adjusted, shall be allowed the Mortgagee. Where any Mortgagee has taken Possession of Mortgaged Estates and made Improvements to be allowed.

And be it further enacted, That if any Person or Persons Creditors to said Estate appears to pay off and redeem the Mortgage, or the Treasurer of this Commonwealth within the limited Time beforementioned, they shall not only pay the Judgment of Court recovered on said Mortgage, but also the Interest from the Time the Mortgagee took Possession, allowing the original Mortgagor the Amount of the Rent the Estate is let for, or if the Mortgagee improves the Estate himself, he shall pay for the Improvement thereof what any three judicious Persons mutually chosen shall determine to be the Value, provided the Parties cannot mutually agree between themselves. Creditors to said Estates to pay the Judgments of Court recovered on said Mortgage as also the Interest.

July 6, 1781.