

77. Upon receiving such application the judge shall cause notice to be published once in each of three successive weeks in a newspaper likely to give the best notice, offering such land for sale, and shall in such case limit and appoint a time, not less than one month from the date of the last advertisement of such notice in such paper, upon or after which the judge may issue to such applicant an order for foreclosure, unless, in the interval, a sufficient amount has been realized by the sale of such land to satisfy the principal and interest moneys due; and all expenses occasioned by such sale and proceedings; and every such order for foreclosure, under the hand of the judge and entered in the register, shall have the effect of vesting in the mortgagee all the estate and interest of the mortgagor in the land mentioned in such order, free from all right and equity of redemption on the part of the mortgagor or of any person claiming through or under him.

Notice by judge offering land for sale.

Order for foreclosure.

Entry of order and its effect.

78. Upon the production of any memorandum of mortgage or encumbrance, having thereon an endorsement signed by the mortgagee or encumbrancee, and proved by the affidavit of an attesting witness, discharging the land from the whole or part of the principal sum or annuity secured, or discharging any part of the land comprised in such instrument from the whole of such principal sum or annuity, or upon proof being made to the satisfaction of the judge of the payment of all moneys due on any mortgage or encumbrance, the judge may direct the registrar to make, and the registrar shall thereupon make an entry in the register, noting that such mortgage or encumbrance is discharged wholly or partially, or that part of the land is discharged, as aforesaid, as the case requires; and upon such entry being so made, the land, or the estate or interest in, or the portion of the land mentioned or referred to in such endorsement as aforesaid, shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof noted in such entry as discharged.

Discharge of mortgage, etc.

Entry by registrar.

Effect of entry.

79. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any memorandum of encumbrance, the annuity or sum of money thereby secured ceases to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied, or discharged, the registrar shall, upon the order of the judge, make an entry in the register book, noting that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument; and upon such entry being made, the land shall cease to be subject to or liable for such annuity or sum of money, and the registrar shall, in any or either such case as aforesaid, endorse on the grant, certificate of title, or other instrument evidencing the title of the mortgagor or encumbrancer to the land mortgaged or encumbered, a memorandum of the date on which such entry as aforesaid was made by him in the register book, whenever such grant, certificate of title or other instrument is presented to him for that purpose.

Death of annuitant or cessation of encumbrance.

Entry.

Its effect.

Registrar's duty.