



A Treatise on the Law of Mortgages of Real Property, Vol. 1 of 2 (Classic Reprint)

Leonard A. Jones

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Excerpt from A Treatise on the Law of Mortgages of Real Property, Vol. 1 of 2

The Law of Mortgages is a subject which cannot be treated altogether with reference to general principles. At the present time two opposite theories of the nature of a mortgage hold about equal sway in this country, and this difference of view, at the foundation of the subject, has naturally led to many divergences in the details of it. It is a subject, too, which legislation, directly and indirectly, largely controls. All that part of it which relates to remedies is closely connected with the systems of Civil Procedure in the several States, which are quite dissimilar. The author has endeavored to follow a natural order of arrangement in this treatise; and while presenting not merely the common law of the subject, but as well the modifications of that law made through statutory enactments and judicial decisions, in order to avoid confusion of statement, and to enable one who consults the book to turn with as little trouble as possible to the statement of the law upon any part of the subject for any State in the Union, he has stated in detail for each State the law upon some of the more important divisions of the subject, in which there is a want of harmony.

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