Explanation of above certified Mortgage
Nathan Garrett to Samuel and Abiah Taylor
No Assignment from Samuel of his interest in this Mortgage either to Abiah or to any other persons appears of record.
The Will of Samuel which was proved in 1842 after making a devise of real estate and several pecuniary legacies bequeaths the rest of the estate both real and personal to his brother Abiah in fee and appoints Abiah and another brother James his Executors.
There appear of record several assignments by James Taylor as Executor of Samuel to Abiah for Samuel’s interest in certain Mortgages made jointly to Samuel and Abiah but none of said Mortgages is the Mortgage in question. All these Assignments were endorsed upon the respective mortgages.
It is ascertained from old residents in the neighborhood that Samuel died unmarried that his Executors have both been dead many years and their estates settled and that all died solvent leaving considerable property. Further the Recorder of Deeds stated that quite a number of satisfactions of Mortgages similarly defective were made at about the same period as the one in question.
From the above state of facts and from the wording of the entry of satisfaction the presumption is strong that at the time of the entry of satisfaction on Samuel’s interest had been transferred to Abiah. If, however, such was not the case Abiah became entitled to said interest as Samuel’s residuary legatee and the representatives or assignees of Abiah would be bound by his act in acknowledging full receipt and satisfaction of said Mortgage. The Mortgage in question is found among the papers of Nathan Garrett deceased late over of mortgaged premises.

CBW

BACK:

[Blank]