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Great Britain. High Division

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1882 edition. Excerpt: ...Pollock & Co.; Armstrong & Lamb. M. W. SHEPAKD v. JONES. Oa. 1881 S. 1709. 1882 KAY, J. Mortgage--Mortgagee in Possession--Sale by Mortgagee--Use and Occupation--Feb. 20. Permanent Improvements. Q If a mortgagee in possession, or a mortgagee selling under his power of sale, has reasonably expended money in permanent works on the property, he is entitled on prima facie evidence to that effect to an inquiry whether the outlay has increased the value of the property, and if it has done so, he is entitled to be repaid his expenditure so far as it has increased such value. And in Buch case it is immaterial whether the mortgagor had notice of the expenditure. Notice to the mortgagor is only material when the expenditure is unreasonable, for the purpose of shewing that he acquiesced in it. Sandon v. Hooper (1) commented on. A mortgagee in possession sold the property under his power of sale, a day being fixed for the completion of the sale and for letting the purchaser into possession. At the request of the purchaser the mortgagee let him into possession four months before the appointed day, but did not require him to pay any rent:--Held, in an action by the mortgagor for ascertaining the amount of the balance due to him, that the mortgagee could not be charged with an occupation rent for the interval during which the purchaser had been in possession before the appointed day. "Whether in such a case the mortgagee might be charged with wilful default in not requiring a rent from the purchaser, quere. The decision of Kay, J., reversed. 15 Y an indenture of transfer of mortgage, dated the 31st of January, 1874, the Victoria Brewery and other hereditaments at Wrexham were conveyed to the Defendant, Edward Jones, for securing...

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