



**THE COPPERBELT UNIVERSITY**  
**SCHOOL OF HUMANITIES AND SOCIAL SCIENCES**  
**FACULTY OF LAW**  
**CONVEYANCING LAW, AND LEGAL DRAFTING (LS261)**  
**Instructor: Dr Samamba Lennox Trivedi, PhD—Law**

**6.0. MORTGAGES AND CHARGES:**

**6.1. MORTGAGES**

A mortgage is an appropriation of property as security for the repayment of a loan. The security is made by transfer or an agreement to transfer, to the mortgagee, a legal interest in the estate of the borrower or a third party, as the case may be, on condition that the interest so transferred will revert to the borrower or the third party once the loan (principal, interest and other charges) is repaid. A legal mortgage involves the transfer of a legal interest while an equitable mortgage consists in an agreement to transfer a legal interest.

**6.2. Mortgages at Common Law**

At common law, mortgages are of two kinds, namely:

- a) Equitable mortgages; and

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Promissory Notes and Cheques Sir Mackenzie Dalzell Edwin Stewart Chalmers,1878      **A Treatise of the Law Relative to**  
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,1961      **A Treatise on the Game Laws: in which it is Fully Proved, That, Except in Particular Cases, Game is Now,**  
**and Has Always Been, by the Law of England, the Property of the Occupier of the Land Upon which it is Found**  
**and Taken** Edward Christian,1817      **The History of Legal Education in the United States** Steve Sheppard,2007 An  
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magazine and review ,1883      *The Law Magazine and Review* ,1883      *Continuation of a Treatise on the Law Respecting*  
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**the acts incorporated therewith: with copious notes of cases relative to Joint Stock Companies, etc** Leonard  
SHELFORD,1870      The Law Times ,1876      *Catalogs* University of Illinois at Urbana-Champaign. College of Law,1918  
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