

ACT No. XXIII OF 1855.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 13th August 1855.)

AN ACT to amend the Law relating to the administration of the Estates of deceased persons charged with money by way of Mortgage.

WHEREAS it is expedient that the Law, under which the real and personal assets of deceased persons subject to the English Law are administered, should be amended; It is enacted as follows:—

I. After this Act shall have come into operation, if any person shall die seised of, or entitled to any estate or interest in any land or other hereditaments within the Territories in the possession of, and under the Government of the East India Company, which shall, at the time of his death, be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not by his will or deed or other document have signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised, shall not be entitled to have the mortgage-debt discharged or satisfied out of the personal estate or any other real estate of such person, but the land or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage-debts

Mortgage debts on property descending or devised, how to be discharged.

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debts with which the same shall be charged, every part thereof, according to its value, bearing a proportionate part of the mortgage-debts charged on the whole thereof. Provided always, that nothing herein

Proviso as to the right of mortgagee to full satisfaction from the personal estate of the deceased.

contained shall affect or diminish any right of the mortgagee of such lands or hereditaments to obtain full payment or satisfaction of his mortgage-debt, either out of the personal estate of the person so dying as aforesaid or otherwise: Provided

Proviso as to claims made prior to this Act.

also that nothing herein contained shall affect the rights of any person claiming under, or by virtue of any will, deed, or document already made, or to be made, before this Act shall have come into operation.

