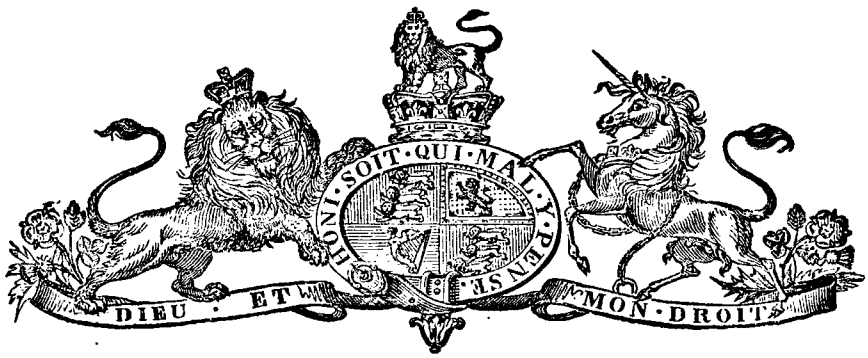


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXIX.

An Act to explain the Operation of an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and thirteen, intituled *An Act to amend the Law relating to the Administration of deceased Persons.* [25th *July* 1867.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Year of Her present Majesty it is enacted, among other things, when any Person shall, after the Thirty-first of *December* One thousand eight hundred and fifty-four, die seised of or entitled to any Estate or Interest in any Land or other Hereditaments 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 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:

And whereas Doubts may exist upon the Construction of the said Act, and it is expedient that such Doubts should for the future be removed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

In construing Wills, general Direction for Payment of Debts out of Personalty not to include Mortgage Debts, unless such Intention expressly implied.

1. In the Construction of the Will of any Person who may die after the Thirty-first Day of *December* One thousand eight hundred and sixty-seven, a general Direction that the Debts or that all the Debts of the Testator shall be paid out of his Personal Estate shall not be deemed to be a Declaration of an Intention contrary to or other than the Rule established by the said Act, unless such contrary or other Intention shall be further declared by Words expressly or by necessary Implication referring to all or some of the Testator's Debts or Debt charged by way of Mortgage on any Part of his Real Estate.

Interpretation of Word "Mortgage."

2. In the Construction of the said Act and of this Act, the Word "Mortgage" shall be deemed to extend to any Lien for unpaid Purchase Money upon any Lands or Hereditaments purchased by a Testator.

Extent of Act.

3. This Act shall not extend to *Scotland*.

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Printers to the Queen's most Excellent Majesty. 1867.