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GEORGII IV. REGIS.

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C A P. XXXIII.

An Act to declare and settle the Law respecting the Liability of the Real Estates of *British* Subjects and others, situate within the Jurisdiction of His Majesty's Supreme Courts in *India*, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners. [27th *June* 1828.]

WHEREAS some Doubts have arisen whether, and to what Extent, the Real Estates of *British* Subjects and others, (not being Mahomedans or Gentoos,) situate within or being under the Jurisdiction of His Majesty's Supreme Courts of Judicature in *India*, are liable, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners: And whereas it is expedient that such Doubts should be removed; be it therefore and it is hereby declared and enacted by the King'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, That whenever any *British* Subject shall die seised of or entitled to any Real Estate in Houses, Lands, or Hereditaments, situate within or being under the general Civil Jurisdiction of His Majesty's Supreme Courts of Judicature at *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay* respectively, or whenever any Person (not being a Mahomedan or Gentoo) shall die

Whenever any British Subjects, or Persons not being Mahomedans or Gentoos, shall die, entitled to

any Real Estate in India, such Estate shall be deemed Assets.

seised of or entitled to any such Real Estate, situate within the local Limits of the Civil Jurisdiction of the same Courts respectively, such Real Estate of such *British* Subject or other Person as aforesaid, (not being a Mahomedan or Gentoo,) is and shall be deemed Assets, in the Hands of his or her Executor or Administrator, for the Payment of his or her Debts, whether by Specialty or Simple Contract, in the ordinary Course of Administration.

Executors may sell such Real Estates for the Payment of Debts.

II. And it is further declared and enacted, That it is and shall be lawful for such Executor or Administrator of such *British* Subject or other Person as aforesaid, (not being a Mahomedan or Gentoo,) to sell and dispose of such Real Estate for the Payment of such Debts as aforesaid, and to convey and assure the same Estate to a Purchaser, in as full and effectual a Manner in Law as the Testator or Intestate of such Executor or Administrator could or might have done in his Life-time.

In any Action for Debt, the Executor may be charged with the full Amount of such Real Estate.

III. And it is further declared and enacted, That in any Suit or Action to be commenced and prosecuted in any of the said Courts respectively, against such Executor or Administrator as aforesaid, for the Recovery of any Debt or Demand due and owing by such Testator or Intestate in his Life-time and at the Time of his Death, such Executor or Administrator shall and may be charged with the full Amount in Value of such Real Estate as aforesaid, not exceeding the actual net Proceeds of such Estate when sold by the Sheriff, as Assets in the Hands of such Executor or Administrator to be administered.

In Suits against Executors, Courts may order Writs of Sequestration.

IV. And it is further declared and enacted, That in any such Suit or Action against such Executor or Administrator as aforesaid, it is and shall be lawful for the said Courts respectively to award and issue such Writs of Sequestration and Execution against such Houses, Lands, and Real Effects of such Testator or Intestate, in the Hands of such Executor or Administrator as aforesaid, and to cause the same to be seized, sequestered, and sold, or Possession thereof delivered under such Writs respectively, in the same Manner as such Courts could and might have done in the Life-time of such Testator or Intestate as aforesaid.

Conveyances and Assurances of such Estates shall be deemed good.

V. And it is further declared and enacted, That all Conveyances and Assurances of such Real Estates of such *British* Subjects and other Persons so dying seised or entitled as aforesaid, (not being Mahomedans or Gentoos,) situate within or being under the general or local Jurisdiction of such Courts respectively as aforesaid, heretofore made and executed by Executors and Administrators of such deceased *British* Subjects and other Persons as aforesaid, are hereby confirmed, and shall be deemed, held, and taken to be of the same Force, Validity, and Effect in Law, as if the same had been made and executed by such deceased Persons in their Life-time.

This Act not to alter the legal Quality or Tenure of any Estates.

VI. Provided nevertheless, and it is hereby declared and enacted, That neither this Act, nor any thing herein contained, shall be construed to operate as or have the Effect of changing or altering the legal Quality, Nature, or Tenure of any Lands, Houses, Estates, Rights, Interests, or

any other Subject of Property whatsoever, or of making the same or any of them to be of the Nature of Real Property, if by Law, before the passing of this Act, the same or any of them were Personal Property; but that the Law in that respect shall be and continue the same as if this Act had not passed.

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